



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/617,412	07/11/2003	Franklin B. Way	996263-2	3482

7590 10/07/2005

Camille L. Urban, Brown, Winick, Graves, Gross,
Baskerville & Schoenebaum PLC
Regency West 5, 4500 Westown Parkway
Suite 277
West Des Moines, IA 50266

EXAMINER

GREEN, BRIAN

ART UNIT

PAPER NUMBER

3611

DATE MAILED: 10/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/617,412	WAY, FRANKLIN B.	
	Examiner	Art Unit	
	Brian K. Green	3611	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 January 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 11-20 is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 July 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Handwritten mark

DETAILED ACTION

Drawings

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the circuit means defined in claim 3, the fluorescent light source defined in claim 5, the securing means defined in claim 11, the adhesive material and plurality of clamping devices defined in claims 14 and 19 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

Claims 19 and 20 are objected to because of the following informalities: Claim 19 should end with a period. Appropriate correction is required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-3,6,8-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cook (U.S. Patent No. 2,902,787) in view of Wiener (U.S. Patent No. 4,899,473).

Cook shows in figures 1-4 a combination display frame comprising an outside periphery (1), backing means (4), at least two pieces of art (3,3) at least one being substantially transparent, and light means (20). Cook does not disclose the idea of attaching a mat having a plurality of opening therein within the frame. Wiener shows in figure 1 the idea of attaching a mat having a plurality of holes therein, see column 2, lines 10-12. In view of the teachings of Wiener it would have been obvious to one in the art to modify Cook by attaching a mat having a plurality of opening within the frame since this would create a more aesthetically pleasing display frame assembly. In regard to claim 1, all of the pieces of art (3,3) are considered to be part of the "at least one at least partially transparent piece" and therefore the light means is considered to be "only for" said at least one at least partially transparent piece. In regard to claim 2, a switch (24) is shown. In regard to claim 3, it is not clear whether the switch is a toggle switch. The use of

Art Unit: 3611

toggle switches are conventional. It would have been an obvious matter of design choice to make the switch in the form of a toggle switch since the applicant fails to define any advantage achieved by using a toggle switch and the switch used by Cook would work equally well. In regard to claim 6, the backing (4) would be in contact with the mat when modified as taught by Wiener. In regard to claim 8, Wiener shows in figure 1 the idea of using different sized pictures based upon the different sized openings and some of the openings are approximately four times the size of another opening. In view of the teachings of Wiener it would have been obvious to one in the art to modify Cook by making the pieces of art in different sizes since this would allow a wide variety of differently sized pieces to be displayed at the same time and would allow certain pictures to be highlighted based upon their larger size. As broadly defined in claim 8, the larger piece of art is considered to a "print". In regard to claim 10, Cook shows a transparent protective means (2).

Claims 4 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cook (U.S. Patent No. 2,902,787) in view of Wiener (U.S. Patent No. 4,899,473) as applied to claim 2 above and further in view of Ross (U.S. Patent No. 4,748,756).

Cook in view of Wiener disclose the applicant's basic inventive concept except for using a battery to power the light source. Ross shows in figure 8 batteries (52) used to power the lights for a frame. In view of the teachings of Ross it would have been obvious to one in the art to modify Cook by attaching batteries to the display since this would allow the frame assembly to be used in a wider range of locations. In regard to claim 5, Cook does not disclose using a fluorescent light source. Ross shows in figure 8 a fluorescent light source (60). In view of the

Art Unit: 3611

teachings of Ross it would have been obvious to one in the art to modify Cook by replacing the light source with a fluorescent light source since this would reduce the amount of power consumed by the light source and reduce the amount of heat generated.

Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Cook (U.S. Patent No. 2,902,787) in view of Wiener (U.S. Patent No. 4,899,473) as applied to claim 6 above and further in view of Gallagher (U.S. Patent No. 5,546,685).

Cook in view of Wiener disclose the applicant's basic inventive concept except for providing transparent pieces on opposite sides of the transparent art piece. Gallagher shows in figure 3 an art piece (112) which includes transparent pieces (114) on opposite sides of the art piece. In view of the teachings of Gallagher it would have been obvious to one in the art to modify Cook by placing transparent pieces on opposite sides of the piece of art since this would allow the piece of art to be better protected.

Response to Arguments

Applicant's arguments filed Jan. 21, 2005 have been fully considered but some of the arguments are not persuasive.

The applicant argues that the backing of Weiner is clearly not compatible with the light-diffusing material (4) that acts as the backing in Cook nor the rectangular shaped rear panel (6) of Cook. The examiner disagrees since a matting placed in front of the art (3,3) would provide the advantage of creating a more aesthetically pleasing display frame assembly. The Weiner

Art Unit: 3611

patent is merely being used to show that it is known to place multiple openings in a matting in order to outline a plurality of pictures in an aesthetically pleasing manner.

The applicant argues that the circuit means, fluorescent light source, securing means, adhesive material, and clamping devices are so well known in the art that illustration of these elements is unnecessary. The examiner disagrees since all claimed elements must be shown in the drawings.

Allowable Subject Matter

Claims 11-20 are allowed. However, the applicant needs to add a period at the end of claim 19.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Art Unit: 3611

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian K. Green whose telephone number is (571) 272-6644. The examiner can normally be reached on M-F 7am-3:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lesley Morris can be reached on (571) 272-6651. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Bkg
Oct. 3, 2005


BRIAN K. GREEN
PRIMARY EXAMINER